

## **Exhibit 3**

# Exhibit No. 3



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**TCPA enforcement for fun and for profit up to 3k per call**

Archived From: Finance

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- Text Only



- codename47
- Senior Member - 4K

Voting History  
rated:

**posted:** May. 25, 2014 @ 12:38p  
Just wanted to get some feedback on the latest experiences people are having with automated calls. So, the TCPA (telephone consumer protection act 47 usc 227) regulates such calls, and generally without "express written consent" or an emergency purpose.

TCPA updates:

Now, previously, before October 2013, there was an implied, express written consent where if you gave your telephone number to someone, it was considered by some courts to be "consent" or was allowed under an "established business relationship", but that all changed in the fall of 2013, so here are have a requirement for unambiguous written consent required and no established business relationship loophole as of October 2013, because the FCC says so. <http://www.kleinmoymlan.com/publication/new-tcpa-rules-effective...>

Text messages count too as prohibited methods of communication again without clear written consent. These are super easy to enforce as you have almost all the evidence you need to find out the other party's identity and bring them to court.

Also, just to be clear the company that the calls are being made for are vicariously liable for the actions of the telemarketing

company. So, if a company calls and is trying to sign you up for Dish network or Caribbean cruise lines, and they are Joe Schmoe telemarketing enterprises LTD, and they fold up, declare bankruptcy, and move overseas, you aren't out of luck and can generally go after Dish network for the calls that were made on their behalf as they were the ultimate beneficiary of the illegal actions. Otherwise, any company could hire an illegal telemarketer, and claim innocence as they didn't directly make the calls themselves.

So, I am looking at switching service providers with my cell phone as I can't port my old number, and holy effin crap, I get a lot of pre-recorded calls and for no reason on the new number. I get quite a few on the old number too, but that is in the process of being rectified...

Some other interesting stuff I found is that at least in the 6th circuit COA at least, TCPA calls have a max damage amount of potentially 3k per call. Now, some lazy lawyers will cite the \$500 to a max of \$1500 per call, but for people who are willing to do a little research, they may find a few gems such as Phillip Charvart, a personal hero of mine along with Edward C Lawson. If you think I have a propensity to sue people you should see Phillip Charvart laying down the law. I read somewhere that he filed like 60+ lawsuits and won the vast majority of them while establishing a lot of good caselaw. For example, in one case, Charvart was awarded \$73k. <http://do-not-call-complaints.com/blog/tcpa-monetary-awards-char...>

The 6th Circuit held in another case: "a person may recover statutory damages of \$1500 for a willful and knowing violation of the automated-call requirements, § 227(b)(3), and \$1500 for a willful and knowing violation of the do-not-call-list requirements, § 227(c)(5) – even if both violations occurred in the same telephone call." This is in Charvart v NMC LLC: <http://www.sixthcircuitappellateblog.com/unecategorized/sixth-cir...>

Therefore, if you get a pre-recorded call that fails to provide the name/entity for which the calls are being made, or the phone number or address of the entity which the calls are being made on behalf of, fails to honor a DNC request or fails to have a DNC list, you have one category of violations which can run \$500 to \$1500 *per call*. If you have a pre-recorded or automated call that is a second category of violations that can run \$500 to 1500 *per call*.

Now, I know some have said they have trouble identifying the other party, so you can feign interest and gather some identifying information that way. Alternatively, I've found that a large number of the calls I get a least, come from one source: peerless networks. Apparently they provide telemarketing services for many companies, and they are frequently violating the law. So I do a reverse search on whitepages.com, which takes like 5 seconds, identify the service provider, and then subpoena the information most likely from Peerless networks, which apparently gets quite a lot of requests for this information as they state the different categories of information available and how to request it. Key thing is that they can provide ALL subscribers that have called a certain telephone number, so perhaps if you missed one or two companies in the last 4 years, this company will most likely have a complete set of records for just the calls from subscribers to you. They can also provide the subscriber contact information.

<http://www.peerlessnetwork.com/contact-us/law-enforcement-and-su...>

In summary:

Explicit in writing opt in is required.

Text message marketing is just stupid, but there are apparently a lot of stupid people in the world

Peerless networks likely has almost all the information you need to carry a lawsuit.

you can recover somewhere between 1k and 3k per call

Parent/beneficiary companies are vicariously liable and there are a lot of stupid/lazy marketing departments in the world

Many of these companies leave robocall voicemails, which is just stupid as well.

You are a private attorney general, because congress said so

- [Quick Summary](#)
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Users like you can add images, links and other relevant information about this topic.

posted: May. 25, 2014 @ 12:38p

#### Member Summary

#### Most Recent Posts

Found a new technique that the robo call companies are using.  
Company 1 uses a robo dialer and connects to a real person...  
(more)

NEDeals (Oct. 16, 2014 @ 2:31p) |

*Company 2 says they are immune to TCPA, do not call requirements, etc. because after all they do not make outbound calls... (more)*

codename47 (Oct. 16, 2014 @ 6:47p) |

Give me an address.. I'm in Tampa very often.. Would love to drop by and give them a good old Soviet Russian welcome

alamo11 (Oct. 16, 2014 @ 9:38p) |

#### Staff Summary

- Also categorized in:
  - [Subjects > Discussion](#)

posted: May. 25, 2014 @ 1:03p

how do you get/keep evidence of a robocall? Often I get a message to the effect of, "press 1 to be connected to the telemarketer".

- 3
- xfmpepx

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TCPA enforcement for fun and for profit up to 3k per call

- Senior Member Is it ok to record the robocall, say from California, and not a 1 party state like Texas?

posted: May. 25, 2014 @ 1:30p  
Got a call yesterday from "card member services" that showed my own phone number in the caller ID.

- biglittle
- Senior Member - 4K

posted: May. 25, 2014 @ 1:32p  
codename47 said: So, I am looking at switching service providers with my cell phone as I can't port my old number, and holy

- TheDiggle
- Senior Member - 2K

is in the process of being rectified...  
Even if you get a new cell #, see if you can port your existing cell # to Google Voice (GV). They ONLY allow port-ins of cell numbers (for a one-time fee of ~\$20). Thereafter, you can fwd your GV # to any number of your choice, so that if you need to "feign interest" in the company calling you, you can still answer the call. Plus, GV provides an easy method for recording your calls (you'll need to determine the legalities of such recordings). BTW, per FCC regulations, your existing cell provider may not block your port request even if you still owe them money.

If a consumer has a long-term contract with a carrier, is that consumer still obligated to pay an early termination fee even if he/she ports the phone number to a new carrier?

- Yes. While consumers who wish to switch carriers may request service from and port numbers to a new carrier at any time, they are still obligated to pay any early termination fees they may have under an existing contract, and they are obligated to pay any outstanding balance owed to the old carrier.
- Consumers interested in switching providers should review their existing contract to determine what fees or charges would apply.
- However, once a consumer has requested service from a new carrier, the old carrier may not delay or refuse to port a number even if that individual owes money for an outstanding balance or termination fee.

posted: May. 25, 2014 @ 4:25p  
So are those "we have an imp. business message for....." collection robocalls illegal?

- vickh
- Senior Member - 6K

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**posted:** May. 25, 2014 @ 6:17p  
CodeName, have you thought about creating a "sue telemarketers" package with forms and recording equipment/instructions? I would buy one for side income.

- whodini
- Senior Member - 2K

**posted:** May. 25, 2014 @ 6:28p

**whodini said:** CodeName, have you thought about creating a "sue telemarketers" package with forms and recording equipment/instructions? I would buy one for side income. Why not a chinchilla breeding starter package instead?

- Crazytree
- Senior Member - 10K

**posted:** May. 25, 2014 @ 7:05p

**Crazytree said:**

- **whodini said:** CodeName, have you thought about creating a "sue telemarketers" package with forms and recording equipment/instructions? I would buy one for side income.
- Ancient Member

Why not a chinchilla breeding starter package instead?

At least that is likely to be more successful than what would be suggested by CN47's win ratio according to PACER.

(I know, hes going to reply that I am lying, but if anyone is interested in the data just search on the forums for it or PM me - he intentionally misleads people that he wins all the time when he loses close to half of the cases. I am not paying for all the PACER data again just to argue with CN47 when Ive explained in detail his huge losses elsewhere. And that win/loss ratio is using the most generous parameters possible.)

**posted:** May. 25, 2014 @ 8:02p

I love a challenge! No need to pay for huge pacer fees, either. All of this is straight from pacer for free.

- codename47
- Senior Member - 4K

50% loss rate means I need to lose at about the same rate as i win.

Here's 12 cases I have won, now go find 12 I lost.

Since this seems to be a challenge for you, I'll even give you Me vs Panola county as a loss, credit management LP as a loss, even though to be fair, it was probably a draw as I won on SJ for their claims and they won on SJ for my claims, but whatever. I'll count the first Experian case as a loss even though **I just filed before they had violated yet and dismissed it later**. It was one of my early cases, but whatever. I'll book 3 losses, now go find 9 more. 12 out of 15 is about 80%. I haven't counted any other cases that are active now just the ones in the record books.

Cunningham, Craig (df) gandce 1:2008-cv-01768 480 05/15/2008 10/30/2008

<https://www.fatwalllet.com/forums/finance/1366242>

5/19

Read the case, that's a win. FD CPA case listing service sued me. They lost on a motion to dismiss by me.

CUNNINGHAM, CRAIG (pla) pawdce 2:2009-cv-01314 440 09/28/2009 07/15/2010

Stupid cops pull over a young black male and impound his car. I got 99 problems, but this wasn't one. That's a win. For the research inclined, you can even find in public records how much it was worth for me to go away. The settlement was confidential, but if they want to put it on the internet, that's up to them.

Cunningham, Craig (pla) tmdce 3:2013-cv-01166 190 10/22/2013 11/25/2013

That's a win and that's all I can say. I got what I wanted out of it.

Cunningham, Craig (pla) txmdce 3:2008-cv-01536 440 09/02/2008 04/06/2009

This was a win.

3:08-cv-01794-K Cunningham v. Advanta Corp. et al

Double win, multiple defendants

Cunningham, Craig (pla) txmdce 3:2009-cv-02338 480 12/08/2009 02/16/2010

Double win. Multiple defendants.

3:05-cv-00370-KC Cunningham v. Equinox Financial M, et al

First case ever. Of course it was a win.

3:06-cv-00065-FM Cunningham v. NCO Financial System, et al

Another one in the W column.

3:06-cv-00090-DB Cunningham v. Experian Corporation, et al

Jumped the gun on this, they hadn't violated yet. Call it a loss. Doesn't matter because...

3:07-cv-00241-PRM Cunningham v. Experian Corporation et al

Here we go again. That's a win. I can't go into the details, but I was quite pleased with the outcome.



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- **posted:** May. 25, 2014 @ 8:23p  
So Craig, I just want to say "good on ya" for what you're doing in the marketplace. I get these calls all the time and just don't have the time to invest going after these shit heels.
- Claymore
- Senior Member - 2K

That said, I wonder if you can find a way to expand your effort into a class action of some kind? Rather than acting out as the lone ranger, you could possibly put a real hurt on some of these jerks.

In any case, thank you. You are doing a service to mankind in general. I hope you win more.

**posted:** May. 25, 2014 @ 8:56p  
For perspective:

- umcsom
- Ancient Member

Text

Text 2

You can read a play by play here on what took OP down this path.

Ask yourself if this is how you want your life to be.

**posted:** May. 25, 2014 @ 8:59p

*That said, I wonder if you can find a way to expand your effort into a class action of some kind? Rather than acting out as the lone ranger, you could possibly put a real hurt on some of these jerks*

- codename47
- Senior Member - 4K

Pro-se's can't represent a class in an action unfortunately, trust me I've looked. One thing I look at differently is the cost of litigation from a class vs a hypothetical death by a thousand cuts. Imagine, for a I think class actions are generally much, much cheaper and easier for a company to defend. Imagine, for example if a company say a cruise ship operator that used automated calls to offer free cruises was sued as a class action. They could probably hire 1 firm and appear in 1 court to deal with the case, win, lose or draw. On the other hand, imagine if all the individual plaintiffs or heck even a small number of them, say 300 filed individual cases all across the country. That would be much, much more difficult and expensive to hire. They'd have to get 300+ lawyers, plus local counsel and litigate the claims across the country and manage all those cases. Not very fun or easy.

They may even try to stay a case pending the outcome of class actions filed in other states that have no commonality or class relevancy to the other individual case.

Imagine the FWF of forcing companies to follow the law.

**posted:** May. 25, 2014 @ 9:00p

**codename47 said:** I love a challenge! No need to pay for huge pacer fees, either. All of this is straight from pacer for free.

- magika
  - Ancient Member
- How nice of you! Except for that lovely double counting when you win against multiple parties but failing to do so with your

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many losses. Look, I get it. You post this stuff because you know the FWF hive mind treats you like a god for "sticking it to the man" and its important for you to keep up this persona. No amount of facts is going to stop the FWF intellectual masturbation (example: Claymore post above) on the "sue them all!" mentality and they will always love you for posting stuff like this. But if anyone wants CN47's real record (and not his selective posting in this thread), search FW finance for my name and PACER. I did a list of ALL of the cases and explained how he loses half at best and that is using a win/loss definition most generous to him. I know I'm asking to be drowned in red for dare questioning CD47, but like most of the FWF consensus, its praise for him is hilariously misguided when you actually know all the facts.

People *want* to believe CD47 is some valiant warrior for justice crusading against evil corporations, but in reality hes just a serial litigant who defaulted on really bad/risky investment decisions (see links above from umcsom). CN47 is a deadbeat and essentially got lucky that he got a few bad debt collectors. He took out a bunch of 0% BT money and invested it in terrible investments which then went under. In pointing all this out by the way, I am not saying I support bad debt collection practices - such practices should be stopped, and I'm glad CN47 won those cases. Bad debt collectors should be punished, I absolutely agree with everyone on that. But its not due to some genius pro se understanding of the law.

I am not going to into any further arguments about this, its been settled. If anyone wants details about how I came up with my count, PM me.

**posted:** May. 25, 2014 @ 10:11p

*Ask yourself if this is how you want your life to be.*

- codename47
- Senior Member -

4K

and how exactly is my life as if you would know.

How come nobody mentions the time I helped get an act of congress passed. How many have you gotten passed? Suing folks under the TCPA has nothing to do with how my life is whatever that is supposed to mean.

[http://www.parentadvocates.org/nicecontent/dsp\\_printable.cfm?art...](http://www.parentadvocates.org/nicecontent/dsp_printable.cfm?art...)

Basic Training Doesn't Guard Against Insurance Pitch to G.I.'s

**posted:** May. 25, 2014 @ 10:22p

**biglittle said:** Got a call yesterday from "card member services" that showed my own phone number in the caller ID.

- MisterEd
- Senior Member -

3K

I get (NO exaggeration) 5-10 calls PER WEEK from Card Member Services across 3 phone numbers. Used to be "Rachel" now it's someone else. When I have free time I sometimes just play along with them to waste their time. So much fun. Google them. They've been around for years. I have a list of CID's from them that is close to 2 pages long. All fake. Even the feds can't stop them. They have tracked them down, arrested people and they pop right back up.

**posted:** May. 25, 2014 @ 10:40p

**MisterEd said:**

**biglittle said:** Got a call yesterday from "card member services" that showed my own phone number in the caller ID.

- alam011

<https://www.fairvallet.com/forums/finance/1366242>

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- Senior Member - 3K

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Rep with strong Indian accent after robocall intro: "This is Carla from Card Member Services. You have been selected to refinance your credit card debt to a low rate!"

"Great!"

"Can I just get some information from you?"

"OK"

"What is your first and last name?"

"Sure! My first name is Lou last name is Skunt"

"Excellent Mr. Lou Skunt! What is your mailing address?"

"It's umm \*Google searches FBI address\* 935 Pennsylvania Ave NW, Washington, DC 20535"

"Excellent! That's 935 Pennsylvania Ave NW, Washington, DC 20535, right?"

"Yes! That's exactly right."

"And your telephone number?"

"\*Googles local police station\* It's xxx-xxx-xxxx"

"Excellent! Now our records indicate you have credit with BOA, CITI, and C1. Is that accurate?"

"Uh Sure. What are you wearing Carla?"

"Can I get your account number for BOA?"

"Are you feeling horny? I'm ready to get started?"

"\*fake laughter\* yes. Now what is your account number"

"It's 431.. What color are your panties?"

"Have a great day Mr. Lou Skunt. You should be getting some more information in the mail in the next few days"

\* "Carla" Hangs up \*

The interesting part is until a week ago I had no credit cards with ANY bank. It used to be "Rachel" who called but I guess she got tired about me asking about her you-know-what.

posted: May. 25, 2014 @ 10:57p

magika said:

- harmlessbunny
- Ancient Member

... he intentionally misleads people that he wins all the time when he loses close to half of the cases. I am not paying for all the PACER data again just to argue with CN47 when I've explained in detail his huge losses elsewhere. And that win/loss ratio is using the most generous parameters possible.)

50% win rate sounds good to me. I have no idea actually. What is good? Is good like a good basketball free throw percentage (80%+)? Or a good field goal percentage (50%+)? I mean, if you only get a hit 30% of the time in baseball, you are doing quite well.

I don't think CN is coming across as a genius lawyer. He's kind of goofy and funny and makes it seem like anyone could do this, which is a good thing.

Anyway, I think you are trying to get at something like, What is the expected hourly rate based on (win% x avg win amount/hours of work). Is that your point?

posted: May. 26, 2014 @ 12:18a

Crazytree said:

- taxmantoo
  - Ancient Member
- whodini said: CodeName, have you thought about creating a "sue telemarketers" package with forms and recording equipment/instructions? I would buy one for side income.

Why not a chinchilla breeding starter package instead?

Chinchilla or chihuahua?  
(just having fun, Craig)

posted: May. 26, 2014 @ 1:49a

- Crazytree
  - Senior Member - 10K
- CN, tell everyone about the time you came about a C\* hair away from having to pay 10's of thousands of dollars in sanctions in one of your actions.

A good analogy would be if you were telling people to perform operations on themselves, because you have been successful in over 50% of your self-operations... and forget to tell everyone about the time where you flatlined and almost killed yourself.

posted: May. 26, 2014 @ 1:57a

Jack-Chi's actually Its a hybrid chihuahua/Jack Russell mix. Tons of personality and energy. At any rate...

- codename47
- Senior Member - 4K

*But iis not due to some genius pro se understanding of the law.*

and thats just the thing. This stuff isn't really that complex. They left a voicemail, the voicemails violate the law, they did it X number of times and the law allows for X times Y as a penalty for breaking said law. The law and these cases are fundamentally very, very simple. If moron leaves 10 voicemails using auto dialers and pre-recorded messages on your voicemail, all I am saying is for those so inclined, that they can create a disincenitive for the company and potentially alter the way they do business in the future. If nobody sued under the TCPA, there would be no incentive to follow the law, and these calls would be rampant.

I'm not saying it you just go down to court and walk out with a check. The other side will inevitably fight and push you to take minimal damages, if anything. You just need to know what your case is worth, and determine what you want. It may take months or even years potentially, but that said the "work" of responding to stupid discovery requests or silly motions to try to force you to be part of a class action or stay a case pending the outcome of an unrelated class action isn't impossibly difficult, either.

Some lawyers say there is no money in it, which may be true if they prosecuted the case. They aren't even willing to do the most minimal amount of work or read up on related cases.

By all means, if holding illegal telemarketers accountable isn't your thing, then don't do it.

If \$500, \$1500, or \$3k/call isn't worth your time, don't do it.

If the strain and pressure of playing recordings in court is just too much for you to bear, please don't suffer through it. Just grin and bear it like the rest of the people and don't think outside the box.

I just suppose that most people on here that are seeking out an extra 1% on their savings accounts or are looking for FWF style heavy hitter deals might be interested and FWF people are generally willing to do a little extra work to get a lot or even a little more gain. This is probably why some of the ideas resonate with them. Telemarketers generally annoy everyone, and most people, especially lawyers won't tell them that there is a way they can fight back and make them pay.

*how do you get/keep evidence of a robocall? Often I get a message to the effect of, "press 1 to be connected to the telemarketer". Is it ok to record the robocall, say from California, and not a 1 party state like Texas?*

Interesting question in a 2 party state. I don't know if a voice recording has rights that would be infringed upon if you recorded the message...

That said, good evidence would also be the call records which you can obtain from the service provider.

*CN, tell everyone about the time you came about a C\* hair away from having to pay 10's of thousands of dollars in sanctions in one of your actions.*

Oh, please, don't be dramatic... it was hundreds of thousands of dollars, not tens of thousands of dollars. They were spending tens of thousands per month. You are of course missing the point. I DIDN'T have to pay anything in that case, and I never, ever have in any of my cases. Lawyer after lawyer has made the same lame argument and lost every time. Magistrate judges make mistakes from time to time, they are human too. Why don't you mention the magistrate judge that reviewed every single case I filed and said I don't have a history of filing frivolous or bad faith cases? Again, nobody wants to bring that one up. That's the FDCPA case listing where they sued me with a real lawyer and lost.

*A good analogy would be if you were telling people to perform operations on themselves, because you have been successful in over 50% of your self-operations... and forget to tell everyone about the time where you flailed and almost killed yourself.*

Um, no. Practicing medicine is actually difficult. Practicing law is not, despite what they told you in law school. You can spout the 50% analogy all you want, but find 12 cases I lost and then we can talk.

**posted:** May, 26, 2014 @ 2:43a  
lawsuit churning....i like it.

- 
- makinbutter
- Nerdy Member



- posted: May. 26, 2014 @ 4:26a
- alam011 said:
- MisterEd said:
- Senior Member - biglittle said: Got a call yesterday from "card member services" that showed my own phone number in the caller ID.
- IK

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She told you it was your "final notice"

posted: May. 26, 2014 @ 12:43p

- • • 3
- xfmjpcx
- Senior Member

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Its a hybrid chihuahua/Jack Russell mix. Tons of personality and energy. At any

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*how do you get/keep evidence of a robocall? Often I get a message to the effect of, "press 1 to be connected to the telemarketer". Is it ok to record the robocall, say from California, and not a 1 party state like Texas?*

Interesting question in a 2 party state. I don't know if a voice recording has rights that would be infringed upon if you recorded the message...

That said, good evidence would also be the call records which you can obtain from the service provider.

*CN, tell everyone about the time you came about a C\* hair away from having to pay 10's of thousands of dollars in sanctions in one of your actions.*

Oh, please, don't be dramatic... it was hundreds of thousands of dollars, not tens of thousands of dollars. They were spending tens of thousands per month. You are of course missing the point. I DIDN'T have to pay anything in that case, and I never, ever have

in any of my cases. Lawyer after lawyer has made the same lame argument and lost every time. Magistrate judges make mistakes from time to time, they are human too. Why don't you mention the magistrate judge that reviewed every single case I filed and said I don't have a history of filing frivolous or bad faith cases? Again, nobody wants to bring that one up. That's the FDCPA case listing where they sued me with a real lawyer and lost.

*A good analogy would be if you were telling people to perform operations on themselves, because you have been successful in over 50% of your self-operations... and forget to tell everyone about the time where you flatlined and almost killed yourself.*

Um, no. Practicing medicine is actually difficult. Practicing law is not, despite what they told you in law school. You can spout the 50% analogy all you want, but find 12 cases I lost and then we can talk.

What is the minimum evidence needed to successfully win a judgement against a telemarketer?

Also, I think a better analogy would be going to the Doctor to get one's toe nails clipped. Yes, a Dr. can do it for a fee and it is an operation, but I am pretty sure one's risk of death/suffering are pretty low.

A lot of things in life are difficult. However, doctors, lawyers, accountants, real estate agents etc have paid organizations whose sole job is to lobby congress to prevent normal people from taking away their most profitable and EASY tasks.

- **posted:** May. 26, 2014 @ 12:54p
- Codename47, I've been a lurker for a long time and I want to say that I really appreciate your posts. I know that I probably won't act on any of this, but from a motivational and entertainment value standpoint your posts are the best!
- MasterSplinter
- Member

- **posted:** May. 26, 2014 @ 1:01p
- <https://www.donotcall.gov/> does absolutely nothing! One time it worked. That was a few years ago! Get yourself a Panasonic wireless, some of them block all the calls. The one I have is the KX-TG series, is about one year old. Panasonic make's too many models. In my case, it's solved!
- Marvinomatic
- Senior Member

- **posted:** May. 26, 2014 @ 3:58p
- **Marvinomatic said:** <https://www.donotcall.gov/> does absolutely nothing! One time it worked. That was a few years ago! Get yourself a Panasonic wireless, some of them block all the calls. The one I have is the KX-TG series, is about one year old. Panasonic make's too many models. In my case, it's solved!
- I have the KX-TG phone. I've used the blocking feature. If it blocks anything I don't notice. They have so many numbers they call from. If the government would just enforce the \$16K penalty, we could balance the damn budget. Heck, we could even start a few wars.
- **posted:** May. 26, 2014 @ 4:26p



9/8/2016

TCPA enforcement for fun and for profit up to 3k per call

- STEAL from CAG give 2FWLOL all of the posters that are hating on CN47 were already on my ignore list previously. I was wondering why this thread
- Senior Member - 1K looked so fragmented Keep up the good work Craig

- posted: May. 26, 2014 @ 4:39p  
Sometimes they use another number, I block it too. It works most of the time, say 90%! I get one ring, and it's blocked. Usually, 3 times a day.
- Marvomatic
- Senior Member

posted: May. 26, 2014 @ 11:11p  
I am done with this thread. And I am not saying that in a good or bad way.

- Crazytree
- Senior Member - 10K

posted: May. 26, 2014 @ 11:56p  
*What is the minimum evidence needed to successfully win a judgement against a telemarketer?*

- codename47
- Senior Member - 4K  
I figure recorded evidence with call records should work. Throw in an Affidavit that they made the calls and when they made them for good measure.

Yes, the card services folks are scammers. I've given them a hard time as well, usually where I keep forgetting my card number or getting a digit transposed.

- posted: May. 27, 2014 @ 4:46a  
as entertaining as this thread is, i would never answer these calls in the first place. the vast majority of robo calls i get are data mining for live phone numbers, not any actual scammers. the "press 1 to be removed from this list" calls where it disconnects - pressing any number just verifies your number, which they sell to other scammers. and the numbers they use to call you are all spoofed anyway.
- crabbing
- Frivolous Member

- posted: May. 27, 2014 @ 6:48a  
I am lead plaintiff in a class action suit against a company using illegal telemarketing. The case was just filed in April, so I don't have much information to provide, nor can I provide much at this time. But once I can I'll post about it!
- dobby10
- Senior Member

posted: May. 27, 2014 @ 9:38a

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<https://www.fatwall.net/forums/finance/1366242>

15/19

9/8/2016

TCPA enforcement for fun and for profit up to 3k per call

- owenscott
- Handsome Member

Thread isnt locked yet ... in before the lock if it does come

- **posted:** May. 27, 2014 @ 12:28p  
*as entertaining as this thread is, i would never answer these calls in the first place. the vast majority of robo calls i get are data mining for live phone numbers, not any actual scammers. the "press 1 to be removed from this list" calls where it disconnects - pressing any number just verifies your number, which they sell to other scammers. and the numbers they use to call you are all spoofed anyway.*
- codename47
- Senior Member - 4K

This is true, many of the numbers are spoofed. I don't know about data mining, per se, although it wouldn't surprise me. I know I am a pretty private person and I don't give out my actual phone number much to anyone, but somehow they get it and call me without me giving it to them. Key thing is finding out who is backing those calls and is trying to sell you something.

I think about the dynamics that are going on in the collection industry where they created databases of consumers who sue with webrecon and FDCPA case listing services LLC. The industry is trying to avoid the litigious consumers, which isn't exactly following the law, but I does suggest that the lawsuits are getting their attention and they are trying to respond.

Imagine if the FWF effect ended or substantially curbed the telemarketing industry through the designed private attorney general mechanism. Maybe this could be an addendum to the ERE thread and heavy hitter thread.

I think a lot more people might be inclined to do something if they realize that 20-30k or more is at stake going with 3k/call instead of the minimum of \$500/call. Some may not think 5k is worth the effort, while 30k might get their attention, for the hypothetical 10 calls.

- **posted:** May. 28, 2014 @ 6:39a  
*I know I am a pretty private person and I don't give out my actual phone number much to anyone, but somehow they get it and call me without me giving it to them.*
- crabbing
- Frivolous Member

the robocallers are completely automated, and call \*every\* number from 555-0000 to 555-9999. it doesn't matter if you're unlisted.

- **posted:** May. 28, 2014 @ 7:37a  
I know my dad gets around 30 phone calls a week on his home line. A lot of the calls are asking for political donations. He claims he's never specifically signed up for any marketing lists (which is possible, he refuses to give his phone number to anyone).
  - imbatman
  - Ancient Member
- My questions are:
- 1) is there a penalty for filing suit, and the company produces some form of explicit consent?
  - 2) Is anyone exempt (including from not-for profits/political groups)?

**posted:** May. 28, 2014 @ 8:24a

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- owenscott

<https://www.fatwallet.com/forums/finance/1366242>

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9/8/2016

TCPA enforcement for fun and for profit up to 3k per call

- Handsome Member

There are some exceptions such as political polling and the like.  
As requests for donations ?. Proly not legal.

- posted: May. 28, 2014 @ 10:01a
- *1) is there a penalty for filing suit, and the company produces some form of explicit consent?*
- codename47
- Senior Member - 4K

In theory, you could get sanctioned and have to pay the other sides legal fees, but I seriously doubt any court is going to do that because someone forgot about a document they signed years ago. That said, an easy way around that if there is any uncertainty is to just tell them I revoke any consent to call using pre-recorded messages or automated calls, please put me on your DNC list.

Emergency calls are exempt. I should note that the political polling actually has to be about political polling. One cruise company tried to get cute and have a company ask some political questions and offered a "free cruise" as a reward for doing so where people were then offered time shares and such.

They are getting hammered now in multiple class actions.

One thing I forgot about is faxes. The TCPA applies to junk faxes as well, and companies can stack up hundreds or even thousands of faxes using these blast fax services. If you have a bunch of those coming in unsolicited, you can liberally apply the TCPA to those people.

**posted:** May. 28, 2014 @ 10:07a  
**codename47 said:** *1) is there a penalty for filing suit, and the company produces some form of explicit consent?*

In theory, you could get sanctioned and have to pay the other sides legal fees, but I seriously doubt any court is going to do that because someone forgot about a document they signed years ago. That said, an easy way around that if there is any uncertainty is to just tell them I revoke any consent to call using pre-recorded messages or automated calls, please put me on your DNC list.

Emergency calls are exempt. I should note that the political polling actually has to be about political polling. One cruise company tried to get cute and have a company ask some political questions and offered a "free cruise" as a reward for doing so where people were then offered time shares and such.

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thanks.  
I'll forward this to my dad to see if he wants to do anything. It's hard to tell pre-recorded messages to add a name to a DNC list. Also interesting about faxes - I get unsolicited faxes on my work fax. Are those eligible? Or should I leave that alone since the hardware/software is furnished by my employer

Shipping 27 Messages...

- 
- alamo11
- Senior Member - 3K

**posted:** Oct. 16, 2014 @ 9:38p

**NEDeals said:** Found a new technique that the robo call companies are using. Company 1 uses a robo dialer and connects to a real person only upon pressing a touch tone. Company 1 than says that you've won a \$100 Visa gift card (woot) just for being a good consumer at...(unspecified) retailer. Just after they get your address and before they can let you go, by the way--there is a \$6 shipping charge that they need a MC/Visa to cover. Strangely, that new gift card can't pay for a shipping charge.

After receiving a (oops, bogus) credit card info to cover that shipping charge, the next step is to transfer you to Company 2. Company 2 employs people that have a much better command of the English language than Company 1. They want to do all sorts of marketing information and congratulate you for winning that \$100 gift card that is "already activated" (but apparently cannot handle a \$6 charge).

Company 2 says they are immune to TCPA, do not call requirements, etc. because after all they do not make outbound calls. Strangely, they have a do not call list which they will promptly claim to put you on. (What good is a do not call list for a company unable to make calls?) Further inquiries lead to one nasty supervisor, and an even nastier supervisor supervisor.

Would love to take action against this outfit(s), which claim to be in Tampa but wouldn't provide much information. Give me an address.. I'm in Tampa very often.. Would love to drop by and give them a good old Soviet Russian welcome

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